## UNITED STATES DISTRICT COURT

for the

Western District of New York

Plaintiff(s)

(Write the full name of each plaintiff who is filing this complaint. If the names of all the plaintiffs cannot fit in the space above, please write "see attached" in the space and attach an additional page with the full list of names.)

Buffalo Polite that

Defendant(s)

(Write the full name of each defendant who is being sued. If the names of all the defendants cannot fit in the space above, please write "see attached" in the space and attach an additional page with the full list of names. Do not include addresses here.)

Case No.

8-CV-1358

(to be filled in by the Clerk's Office)

22 CV 701-V

JURY TRIAL: Yes X No



#### COMPLAINT FOR VIOLATION OF CIVIL RIGHTS

(Prisoner Complaint)

#### NOTICE

Federal Rules of Civil Procedure 5.2 addresses the privacy and security concerns resulting from public access to electronic court files. Under this rule, papers filed with the court should *not* contain: an individual's full social security number or full birth date; the full name of a person known to be a minor; or a complete financial account number. A filing may include *only*: the last four digits of a social security number; the year of an individual's birth; a minor's initials; and the last four digits of a financial account number.

Except as noted in this form, plaintiff need not send exhibits, affidavits, grievance or witness statements, or any other materials to the Clerk's Office with this complaint.

In order for your complaint to be filed, it must be accompanied by the filing fee or an application to proceed in forma pauperis. PLERSE EXCLUSE MY WRITING. I

## I. The Parties to This Complaint

#### A. The Plaintiff(s)

Provide the information below for each plaintiff named in the complaint. Attach additional pages if						
needed.	7/10	1				
Name	JAMALF	AVE PC				
All other names by which						
you have been known:						
ID Number	4275					
Current Institution	48715	Aux				
Address	BELO.N.	13 1420	5			
		9,110				
	City	State	Zip Code			

## B. The Defendant(s)

Provide the information below for each defendant named in the complaint, whether the defendant is an individual, a government agency, an organization, or a corporation. Make sure that the defendant(s) listed below are identical to those contained in the above caption. For an individual defendant, include the person's job or title (if known) and check whether you are bringing this complaint against them in their individual capacity or official capacity, or both. Attach additional pages if needed.

Defendant No. 1	0 17 1 121.
Name	DUTTAID I DIICE OT
Job or Title (if known)	Arrest
Shield Number	. 1- +
Employer	L-tead LUARTERS
Address	68 Court St.
	City State Zip Code
	Individual capacity Official capacity
Defendant No. 2	Tal Dias
Name	Butfalo Police
Job or Title (if known)	Detective
Shield Number	+
Employer	HERDGUAR (PRS
Address	Co & Carret St
	BELO: 8(.(). 14205
	City Stat Zip Code
	Individual capacity Official capacity

(Rev.	01/21) Comp	plaint for Violation of Civil Rights (Prisoner)			
		Defendant No. 3  Name  Job or Title (if known)  Shield Number  Employer  Address	City		Zip Code
			Individual capacity	Official capacity	-
		Defendant No. 4  Name  Job or Title (if known)  Shield Number  Employer  Address			
			City	State	Zip Code
			Individual capacity	Official capacity	,
П.	Basis	for Jurisdiction			
	immur Federa	42 U.S.C. § 1983, you may sue stath nities secured by the Constitution and all Bureau of Narcotics, 403 U.S. 38 attational rights.	d [federal laws]." Under Bive	ns v. Six Unknown Nar	ned Agents of
	<b>A.</b>	Are you bringing suit against (chec	k all that apply):		
		Federal officials (a Bivens cla	nim)		
		State or local officials (a § 19	983 claim)		
	В.	Section 1983 allows claims alleging the Constitution and [federal laws] federal constitutional or statutory in the Constitution of	]." 42 U.S.C. § 1983. If you a	re suing under section	1983, what

C. Plaintiffs suing under *Bivens* may only recover for the violation of certain constitutional rights. If you are suing under *Bivens*, what constitutional right(s) do you claim is/are being violated by federal officials?

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	D.	Section 1983 allows defendants to be found liable only when they have acted "under color of any statute, ordinance, regulation, custom, or usage, of any State or Territory or the District of Columbia." 42 U.S.C. § 1983. If you are suing under section 1983, explain how each defendant acted under color of state or local law. If you are suing under <i>Bivens</i> , explain how each defendant acted under color of federal law. Attach additional pages if needed.
III.	Priso	ner Status
	Indica	ate whether you are a prisoner or other confined person as follows (check all that apply):
		Pretrial detainee
		Civilly committed detainee
		Immigration detainee
		Convicted and sentenced state prisoner
		Convicted and sentenced federal prisoner
		Other (explain)
IV.	Staten	nent of Claim
	alleged further any cas	s briefly as possible the facts of your case. Describe how each defendant was personally involved in the wrongful action, along with the dates and locations of all relevant events. You may wish to include details such as the names of other persons involved in the events giving rise to your claims. Do not cite ses or statutes. If more than one claim is asserted, number each claim and write a short and plain ent of each claim in a separate paragraph. Attach additional pages if needed.
	<b>A.</b>	If the events giving rise to your claim arose outside an institution, describe where and when they arose.  SEE Original Complaint
	В.	If the events giving rise to your claim arose in an institution, describe where and when they arose.

DAU OF ARREST I JAMAL FARRED WAS ARRESTED WITHOUT A WARRANT TO ARREST me. A ladu Buffalo Police officer just arrested me at Elmwood Aug. ANG Virginia st. ATA DOUT 10 A.M. ON - 2018,

AND took me to HEADQUARTERS

68 COURT St. HAVING NO WARRANT

FOR the ARREST WAS ITEDAL AND CO

MADE EVEROTHING THE FRUIT OF

POISONOUS TREE -The turned me over to AlAdy Detective NAMA MS.J LASKED HER Lhope you don't mind me remaining silent. the 5th Shatold me it was ok."

I Asked her why I was there . She

told me I will prottalk to her so

she will nottell me why I had

been Arrested. I was derived to have AN Attorney present. All this made the fruit of A poison-ous tree more poisonous. She held me till ARound tom. Over the phone she Asked the D. A. FOR A WARRANT to TAKE My cont cance and phone.

Shelett And Returned with the LARRANT to take my coat cane And shore, with two more officers. She ordered me to take off my clothes, shirt And undershirt. I did AsshabRdeRed Reverlingmy STIN. I WAS VERY IN SPOURP ANTthreatened by the three. I was to
be secure in my possessions, but
uas not. She took pictures of my
body from and back and both of
my proms. Around back and both of
set free to leave without a
change. But she trept my coat, save attel phone. I GAUGHT the Premonia From her taking my sort, Andhad to go to the V.A.M.C. [hospital). They gave me Antibiotics Dataus.
Twice t caught Pormonia, And had
to be treated at V.A.M.C. And
given more Antibiotics 5 days. Physt Allover I was very WEAK ANd IN SPOURS, IWAS, to be secure in my possessions. She mode in secure by taking my coat. [lost my balance by taking my cane, my phone was cut off

3

and I could not communicate, All my possessions were the Fruit
of A poisonous tree illegals
They Are illegal And Are to be Retarned, have the Rights of Trivacy the Fipper Law of tonfidence they

Are violating by giving in for

mation off of my phone.

The phone had not been reported

At All. It had not been seen, thad not been displayed At REASON to take the phone. hen were the fauits of A poisonous tree. My cont cane land phone should have been released forme when I was Allowed to go FRER. IWAS LIVING At the Mens Shelter in Charollette, N.C. About to get A church, Two marshals came on private Dropeaty jumped raw & Arrest-led me, using a Warrant in the warre of Jame Roseboro. SOC Sec. No. not mine,

Franchise is used in the DRANG JURY PRESENTMENT
Against ms, rit will be A Self NER; minuption, violating my
Civil Rights. he phone is the Fruit of A so isonous tree and should not boused. Byears NO bail.
Atthis juncture the caseshould be thrown out. EWANTA identification process. WANTA COPY OF TRANSCRIPTS OF GRAND JURY PRESENTMENT. WANTA SUPPRESSION HEARING.

WANTA COPUSE THE PRREST ?

LARRANT TO APPEAL THE

FAISE ARREST. TWANTA JURY TRIAL I WANT MU PHORNCY to be IN My best interest LUARNITE be compensated at the sum of Constillion to lights So helpme God JAMAN HARRED WANTA COPY OF WARRENT to

4

No fingerprints was a part of the ARREST GRERING. Nophoto of ma WAS A PART OF the ARREST. JUST the WARRANT WAS USED IN the ARREST. FINDERPRINTS WERE TAKEN OF ME AND I ANDRES THOU TOOK DIO BAUS ITO GET A WARRANT OF THE JOVERNOR FROM NEW MORK State. They brought maback Then in the warma James Rose boro, Soc. See No. I WAS
TAKEN to County Court NO BAIL.
Recieved No Notice to Change
Tranes Rose boro to Jamas
FARRED AFAIL County Court Just Added my warms to the ARREST without A Notice or LEARING unethical. The phone-taken before arrest in 2013, is now being used papinist my without Notice to me they was ever in this CASQ. IWAS denived to be At The GRAND JURY PRESENTMENT to be SURG of CORRect testimony. I want A COPY OF THE TRANSCRIPTS to the

DRANG JURY PRESENTMENT. There was no identification to the arrest, and mix-up of NAMES. Which wame is the corrections Court should be using of identification process Ry COAt, CANE, Arud phonia is to be suppressed so no one can use them and deleted urote U.S. District Court-WDNU WANTING TO FORGIVE BUFFALO
POLICE TO STILL REMAIN. The
SuffALO POLICE HAVE NOT GIVEN NO WHOSEL SENS BROWNS '24 ha Baffalo Blick FRG Still pursuing the ARRest, I wi LUASUNGER the 5th AllthAt I WASAbout WASto Remain Silent. I gave no one permission to give in formation from my phone. I object to the HEAR.

Now County Court is using my COAT, CANE, AND PHONE 2 Against mig. To Self INCRIMIvate me. Thave been Falsela Harrested FOR JUEARS UNDER the NAME TAMES ROSEDORU, SOC. SOC. Vo. not mine, No bail Jyas. ItisAll the fruit of A poisonous TREE UNIAW FUL. LWANT MY COPT, CANE, AND DHONG RETURNED, AND THEM SUPPRESSED OR DELETED From the REZORDS SO THEY can not be used against mg. Nothing will change I was EAISE IN ARRESTED Live been held 3 years without A BAIL. TWANT to be compensated At The Million dollars requested in So help me God. 8-CV-1328 Jamal Fareed

Çase 1:22-cv-00701-LJV Document 1 Filed 09/15/22 Page 12 of 21 Jodismy Witness 2018 ARREST, NOWARRANT WAS
Lefore LWAS CHARDED.
The ARREST WAS I HEOM LOTTED
COAT CAME PHONE WERE
THE FRUITS OF A DOISONOUS TREE.
This happened before I WAS CHARGED AND the Judge may wot want to hear it. But the coat CANE AND Phone ARE IN the Judge Staburt They ARE poisonous tree and I want them returned, and you can delete the information Event the phone from the So help me God JAMAL FARRED Identification process S Due Process.
So help me God
Jodis Truth Fareed Jourfalsey arrested mg. Who will you Homo R.

(Rev (	01/21) Complaint for Violation of Civil Rights (Prisoner)
	C. What date and approximate time did the events giving rise to your claim(s) occur?
	D. What are the facts underlying your claim(s)? (For example: What happened to you? Who did what? Was anyone else involved? Who else saw what happened?)
	Please see origNAL Complaint
	18-61-1358
V.	Injuries
	If you sustained injuries related to the events alleged above, describe your injuries and state what medical treatment, if any, you required and did or did not receive.
VI.	Relief
	State briefly what you want the court to do for you. Make no legal arguments. Do not cite any cases or statutes. If requesting money damages, include the amounts of any actual damages and/or punitive damages claimed for the acts alleged. Explain the basis for these claims.  TWAW MCOAT CANE PHONE AND  TOTALLE PRONE A
	AND PROGRAMORIE CUSICE

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#### VII. Exhaustion of Administrative Remedies Administrative Procedures

The Prison Litigation Reform Act ("PLRA"), 42 U.S.C. § 1997e(a), requires that "[n]o action shall be brought with respect to prison conditions under section 1983 of this title, or any other Federal law, by a prisoner confined in any jail, prison, or other correctional facility until such administrative remedies as are available are exhausted."

Administrative remedies are also known as grievance procedures. Your case may be dismissed if you have not exhausted your administrative remedies.

Did your claim(s) arise while you were confined in a jail, prison, or other correctional facility?				
Yes				
No				
s, name the jail, prison, or other correctional facility where you were confined at the time of the ts giving rise to your claim(s).				
the jail, prison, or other correctional facility where your claim(s) arose have a grievance edure?				
Yes				
No				
Do not know				
the grievance procedure at the jail, prison, or other correctional facility where your claim(s) arose r some or all of your claims?				
Yes				
No				
Do not know				
s, which claim(s)?				

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D.	Di co	d you file a grievance in the jail, prison, or other correctional facility where your claim(s) arose neerning the facts relating to this complaint?					
		Yes					
		] No					
	If no, did you file a grievance about the events described in this complaint at any other jail, prison, or other correctional facility?						
		Yes					
		] No					
<b>E.</b>	If y	ou did file a grievance:					
	1.	Where did you file the grievance?					
	2.	What did you claim in your grievance?					
	3.	What was the result, if any?					
	4.	What steps, if any, did you take to appeal that decision? Is the grievance process completed? If not, explain why not. (Describe all efforts to appeal to the highest level of the grievance process.)					

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<ul><li>If you did not file a grievance:</li><li>If there are any reasons why you did not file a grievance, state them here:</li></ul>								
		2. If you did not file a grievance but you did inform officials of your claim, state who you informed, when and how, and their response, if any:						
	G.	Please set forth any additional information that is relevant to the exhaustion of your administrative remedies.						
VIII.		(Note: You may attach as exhibits to this complaint any documents related to the exhaustion of your administrative remedies.)  Is Lawsuits  Tee strikes rule" bars a prisoner from bringing a civil action or an appeal in federal court without paying						
	the filing fee if that prisoner has "on three or more prior occasions, while incarcerated or detained in any facili brought an action or appeal in a court of the United States that was dismissed on the grounds that it is frivolous malicious, or fails to state a claim upon which relief may be granted, unless the prisoner is under imminent danger of serious physical injury." 28 U.S.C. § 1915(g).							
	To the best of your knowledge, have you had a case dismissed based on this "three strikes rule"?  Yes  No							
	If yes, state which court dismissed your case, when this occurred, and attach a copy of the order if possible.							

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(Rev. 01/21) Complaint for Violation of Civil Rights (Prisoner)

A.	Ha	ave you filed other lawsuits in state or federal court dealing with the same facts involved in this tion?
		Yes
	<u> </u>	] No
В.	If y	your answer to A is yes, describe each lawsuit by answering questions 1 through 7 below. (If there is one than one lawsuit, describe the additional lawsuits on another page, using the same format.)
	1.	Parties to the previous lawsuit
		Plaintiff(s)
		Defendant(s)
	2.	Court (if federal court, name the district; if state court, name the county and State)
	3.	Docket or index number
	4.	Name of Judge assigned to your case
	5.	Approximate date of filing lawsuit
	6.	Is the case still pending?
		Yes
		☐ No
		If no, give the approximate date of disposition.
	7.	What was the result of the case? (For example: Was the case dismissed? Was judgment entered in your favor? Was the case appealed?)

(Rev. 01/21) Complaint for Violation of Civil Rights (Prisoner)

#### IX. Certification and Closing

Under Federal Rule of Civil Procedure 11, by signing below, I certify to the best of my knowledge, information, and belief that this complaint: (1) is not being presented for an improper purpose, such as to harass, cause unnecessary delay, or needlessly increase the cost of litigation; (2) is supported by existing law or by a nonfrivolous argument for extending, modifying, or reversing existing law; (3) the factual contentions have evidentiary support or, if specifically so identified, will likely have evidentiary support after a reasonable opportunity for further investigation or discovery; and (4) the complaint otherwise complies with the requirements of Rule 11.

~ 33

#### A. For Parties Without an Attorney

I agree to provide the Clerk's Office with any changes to my address where case—related papers may be served. I understand that my failure to keep a current address on file with the Clerk's Office may result in the dismissal of my case.

	Date of signing:	a fr	1	
	Signature of Plaintiff	Jamas to	need.	
	Printed Name of Plaintiff (	TAMALE	PANEKO	
	Prison Identification #	4275	7 9 5 0	
	Prison Address	40 176	AUE,	
		RELOUD	20,14	202
	(9)	City	State	Zip Code
_				
В.	For Attorneys			
	Date of signing:			
	Signature of Attorney			
	Printed Name of Attorney	7		
	Bar Number			
	Name of Law Firm			
	Address			
		City	State	Zip Code
	Telephone Number			
	E-mail Address			

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JS 44 (Rev. 08/18)

## CIVIL COVER SHEET

The JS 44 civil cover sheet and the information contained herein neither replace nor supplement the filing and service of pleadings or other papers as required by law, except as provided by local rules of court. This form, approved by the Judicial Conference of the United States in September 1974, is required for the use of the Clerk of Court for the purpose of initiating the civil docket sheet. (SEE INSTRUCTIONS ON NEXT PAGE OF THIS FORM.)

I. (a) PLAIN		1		-	DEFENDANTS	7 020 F	- GALO B	99:10	
	-	Reed	ERIC				1 Simo		
(b) County or		of First Listed Plaintiff	the same of the sa		County of Residence	of First List	ed Defendant	1616	
	(E.	XCEPT IN U.S. PLAINTIFF C	ASES)			•	<i>LAINTIFF CASES O</i> ON CASES, USE TI VOLVED.		
(c) Attorneys	(Firm Name, .	Address, and Telephone Numb	er)		Attorneys (If Known)				
II. BASIS OF	JURISDI	CTION (Place an "X" in C	One Box Only)	III.	CITIZENSHIP OF P	RINCIPA	L PARTIES		
U.S. Governm Plaintiff	nent	🗇 3 Federal Question (U.S. Government	Not a Party)	C		TF DEF	Incorporated or Pri		DEF
U.S. Governm Defendant	nent	Diversity     (Indicate Citizensh	nip of Parties in Item III)	C	Sitizen of Another State	2 🗇 2	Incorporated and P of Business In A		D 5
				C	itizen or Subject of a D Foreign Country	3 🗇 3	Foreign Nation	<b>□</b> 6	O 6
IV. NATURE		(Place an "X" in One Box O	nly) DRTS	· · · · ·	FORFEITURE/PENALTY		here for: Nature o	f Suit Code Description OTHER STATET	array.
110 Insurance   120 Marine   120 Marine   130 Marine   130 Miller Act   140 Negotiable Ins   150 Recovery of O & Enforcemen   151 Medicare Act   152 Recovery of D Student Loans (Excludes Vete   153 Recovery of O of Veteran's B   160 Stockholders'   190 Other Contract   195 Contract Produ   196 Franchise   REAL PROP   210 Land Condem   220 Foreclosure   230 Rent Lease & I   240 Torts to Land   245 Tort Product L   290 All Other Real	strument Dverpayment it of Judgment Defaulted erans) Dverpayment ienefits Suits t uct Liability  ERTY nation  Ejectment iability	PERSONAL INJURY  310 Airplane 315 Airplane Product Liability 320 Assault, Libel & Slander 330 Federal Employers' Liability 340 Marine 345 Marine Product Liability 350 Motor Vehicle Product Liability 355 Motor Vehicle Product Liability 360 Other Personal Injury 360 Personal Injury Medical Malpractice CIVIL RIGHTS 440 Other Civil Rights 441 Voting 442 Employment 443 Housing/ Accommodations 445 Amer. w/Disabilities - Employment 446 Amer. w/Disabilities - Other 448 Education	PERSONAL INJUR  365 Personal Injury - Product Liability  367 Health Care/ Pharmaceutical Personal Injury Product Liability  368 Asbestos Personal Injury Product Liability  368 Asbestos Personal Injury Product Liability  PERSONAL PROPER  370 Other Fraud  371 Truth in Lending  380 Other Personal Property Damage  Product Liability  PRISONER PETITION  Habeas Corpus:  463 Alien Detaince  510 Motions to Vacate Sentence  530 General  535 Death Penalty  Other:  540 Mandamus & Othe  550 Civil Rights  555 Prison Condition  560 Civil Detaince - Conditions of Confinement		LABOR 710 Fair Labor Standards Act 720 Labor Management Relations 740 Railway Labor Act 751 Family and Medical Leave Act 790 Other Labor Litigation 791 Employee Retirement Income Security Act  IMMIGRATION 462 Naturalization Application Actions	422 Appe   423 With 28 U   PROPE!   820 Copy   830 Paten   835 Paten   New   840 Trade   SOCIAL   861 HIA (	al 28 USC 158 drawal SC 157  RTY RIGITS rights t t - Abbreviated Drug Application mark SECURITY 1395ff) Lung (923) C/DIWW (405(g)) Title XVI 405(g)) A. TAX SUTS (U.S. Plaintiff fendant)	□ 375 False Claims Act □ 376 Qui Tam (31 USC 3729(a)) □ 400 State Reapportion □ 410 Antitrust □ 430 Banks and Bankin, □ 450 Commerce □ 460 Deportation □ 470 Racketeer Influenc Corrupt Organizati □ 480 Consumer Credit □ 480 Consumer Credit □ 490 Cable Sat TV □ 850 Securities Commo- Exchange □ 890 Other Statutory Act □ 891 Agricultural Acts □ 893 Environmental Ma □ 895 Freedom of Inform Act □ 899 Administrative Pro Act/Review or Apt Agency Decision □ 950 Constitutionality of State Statutes	ment g eed and ions mer dities/ tions atters nation
V. ORIGIN (Plant) Original Proceeding	□ 2 Rem	noved from 🗂 3	Remanded from — — — — — — — — — — — — — — — — — — —		einstated or	erred from r District	G 6 Multidistric Litigation - Transfer		n -
		Cilden S. S. Qivil Gia	tute under which you are	Afiling.		nites ugles 24	er ion	DHCC 111	<u> </u>
VI. CAUSE O	F ACTIO	N Brief description of ca	USE:ARRES	51	WITHOUT	WAR	RANT		===:::::
VII. REQUES COMPLA		CHECK IF THIS UNDER RULE 23	IS A CLASS ACTION 3, F.R.Cv.P.	4	DEMANS 8,000,	JU JU	HECK YES only in	f demanded in complair	rt:
VIII. RELATE IF ANY	ED CASE	(See instructions):	JUDGE			DOCKE	NUMBER		
DATE SQPT	6518	12 JAME	SIGNATURE OF ALTO	ORNE	Y OF RECORD				
OR OFFICE USE O		A A A A A A A A A A A A A A A A A A A	and the second s			8 71		V1 ~ 0	AND MATERIAL HOSE
RECEIPT#	AM	DUNT	APPLYING IFP		JUDGE	MY V	MAG. JUDC	E INJU	

JAMAL FARER O 4275 40 Del. Ave. BF6, N. 9.14202 18-CV U.S. District Const-1 2 MIRGARA APPROVED SEP 0 9 2022 \$ 1.92 4

